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EXAMINER	
CUNNINGHAM, GREGORY F	
ART UNIT	PAPER NUMBER
2676	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/919,559	BOWSHER ET AL.	
	Examiner	Art Unit	
	Gregory F. Cunningham	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 July 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-68* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-68* is/are rejected.

7)☒ Claim(s) *34* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 July 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications of application received 7/31/2001.

2. The disposition of the claims is as follows: claims 1 - 68 are pending in the application. Claims 1, 41 and 57 are independent claims.

3. The group and/or Art Unit location of your application has changed. To aid in the correlation of any papers for this application, all further correspondence should be directed to Group Art Unit 2676 (effective 12/05). Please be sure to use the most current art unit number on all correspondence to help us route your case and respond to you in a timely fashion.

4. When making claim amendments, the applicant is encouraged to consider the references in their entireties, including those portions that have not been cited by the examiner and their equivalents as they may most broadly and appropriately apply to any particular anticipated claim amendments.

Drawings

5. The drawings are objected to because for example Figs. 8 and 10 do not show directional diagram flow for all connections. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the

remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

6. Claim 34 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 34 as recited depends from itself.

(Examiner's note: Claim 34 most likely depends from claim 33 and has been examined accordingly as though it depended from claim 33.)

7. Claim 61 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 34 as recited depends from itself.

Claim 61 depends from claim 60 which depends from claim 59. Claims 61 and 59 are identical and therefore claim 61 offers no additional limitation.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 11 recites the broad recitation of claim 10: "reference images include structural elements, auto parts, makeup, body elements, hairstyles, flooring, ceiling elements, wardrobe elements, and jewelry elements", and then expands the breath of inclusion "the reference images include decorative elements" which is the narrower statement of the range/limitation.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(e) as being disclosed by Sheffer (US 6,901,164 B2).

A. Sheffer discloses claim 1, "A universal, ultra-high definition color, light, and object rendering, advising, and coordinating system for displaying colors, objects, and light and enabling an accurate rendering of a color, room, building, object, landscape, or person, the system comprising:

an image procuring device for procuring input images [col. 4, lns. 5-17; 'high fidelity color reconstruction', 'camera'];

a memory device; a processor [col. 4, lns. 14-16; 'a digital image supplier 10 such as a camera' inherently comprises memory; 'hard drive' also corresponds to memory];

and a display device [col. 4, lns. 21-22; 'on a display 16, e.g., a monitor or a printer'];

wherein the image procuring device, the memory device, the processor, and the display device are calibrated and coordinated to ensure that a color viewed and procured in situ by the image procuring device will be identically displayed on the display device [col. 4, lns. 8-12; 'image improvement in terms of self adaptation of dynamic range and spatial resolution, as well as in terms of high fidelity color reconstruction, as they are related to color images'];

whereby a user can predict the appearance of an interior or exterior of a building, home, landscape, person, or other object or element with accuracy [col. 4, lns. 8-12; 'image improvement in terms of self adaptation of dynamic range and spatial resolution, as well as in terms of high fidelity color reconstruction, as they are related to color images' also corresponds to user predicting accurate appearance of image]" supra [as detailed].

B. Sheffer discloses claim 2, "The system of claim 1 wherein the image procuring device comprises a digital camera [col. 4, lns. 14-16; 'a digital image supplier 10 such as a camera']" supra for claim 1 and [as detailed].

C. Sheffer discloses claim 4, "The system of claim 2 wherein the image procuring device comprises a motion camera for providing moving images of a color, room, building, landscape, product, person, or other element or structure [col. 4, lns. 21-25; 'video movie' and 'frames']" supra for claim 2 and [as detailed].

12. Claims 1, 8, 9, 13-28, 31-38, 41-44, 46-54 and 57-66 are rejected under 35 U.S.C. 102(e) as being disclosed by Fenton et al., (US 6,343,264 B1), hereinafter Fenton.

A. Fenton discloses claim 1, "A universal, ultra-high definition color (Examiner's note: preamble carries no patentable weight here, except only after with respect to clam 7), light, and object rendering, advising, and coordinating system for displaying colors, objects, and light and enabling an accurate rendering of a color, room, building, object, landscape, or person, the system comprising:

an image procuring device for procuring input images [col. 4, lns. 5-7];

a memory device [col. 4, lns. 10-11];

a processor [col. 4, lns. 8-10];

and a display device [col. 4, lns. 11-12];

wherein the image procuring device, the memory device, the processor, and the display device are calibrated and coordinated to ensure that a color viewed and procured in situ by the image procuring device will be identically displayed on the display device [col. 4, lns. 46-59];

whereby a user can predict the appearance of an interior or exterior of a building, home, landscape, person, or other object or element with accuracy [col. 4, lns. 46-59]" supra [as detailed].

B. Fenton discloses claim 8, "The system of claim 1 wherein the memory device retains a plurality of reference images [col. 7, lns. 1-11, wherein the hard-drive – col. 4, lns. 10-11, inherently stores product information database, a digital bridge or cross-reference for a customer using visualization procedures where a color carpet can be generated] supra for claim 1 and [as detailed].

C. Fenton discloses claim 9, "The system of claim 8 wherein the reference images include reference colors" supra for claim 8.

D. Fenton discloses claim 13, "The system of claim 8 further comprising a means for suggesting one or more reference images based on a user-selected parameter wherein the reference image is automatically coordinated by the processor with the user-selected parameter [col. 7, lns. 1-11; wherein list of all the carpet in that color can be generated by using the color's universal color code used by a customer]" supra for claim 8 and [as detailed].

E. Fenton discloses claim 14, "The system of claim 13 wherein the user-selected parameter comprises an input image that has been procured by the image procuring device [col. 6, lns. 30-50]" supra for claim 13 and [as detailed].

F. Fenton discloses claim 18, "The system of claim 14 further comprising a means for displaying displayed elements and objects in a unified scale [col. 7, lns. 1-11; wherein 'universal color code' corresponds to "unified scale"]" supra for claim 14 and [as detailed].

G. Fenton discloses claim 19, "The system of claim 18 wherein the means for displaying displayed elements and objects in a unified scale automatically adapts the input images and the reference images to a unified, substantially identical scale [col. 7, lns. 1-11; 'by adding fields for the universal color code (such as RGB measurement), color family code, and the texture code in a product information database, a "digital bridge" or cross-reference is created between the product information database and the whole computer graphics program']" supra for claim 18 and [as detailed].

H. Fenton discloses claim 15, "The system of claim 13 wherein the user-selected parameter comprises a design goal input by a user [col. 7, lns. 1-11, wherein carpet color corresponds to the user goal]" supra for claim 13 and [as detailed].

J. Fenton discloses claim 16, "The system of claim 15 wherein the design goal input by a user includes desired furniture styles and decorating styles [col. 7, lns. 45-59]" supra for claim 15 and [as detailed].

K. Fenton discloses claim 17, "The system of claim 15 wherein the design goal input by a user includes a desired mood effect [col. 7, lns. 45-59, wherein 'customer's home décor' corresponds to "mood effect"]" supra for claim 15 and [as detailed].

L. Fenton discloses claim 20, "The system of claim 13 further comprising a means for providing a cost estimation regarding a potential alteration, addition, or construction of or to a given element or object [col. 7, lns. 12-21, wherein 'Voids in key color ranges (caused by vendor

drops or style changes) can be immediately detected and addressed, so that best-selling colors will be available in every needed price' corresponds to "cost estimation regarding a potential alteration, addition, or construction of or to a given element or object"]" supra for claim 13 and [as detailed].

M. Fenton discloses claim 21, "The system of claim 13 further comprising a means for providing a time estimation regarding a potential alteration, addition, or construction of or to a given element or object [col. 7, lns. 12-21, wherein 'For example, current trends in customer color preference (national, regional, local) can be easily identified, and purchasing and marketing strategies adjusted with targeted finesse' corresponds to "time estimation regarding a potential alteration, addition, or construction of or to a given element or object"]" supra for claim 13 and [as detailed].

N. Per dependent claim 22, this is directed to a system for the system of dependent claim 20 and 21, and therefore is rejected to dependent claims 20 and 21.

P. Fenton discloses claim 23, "The system of claim 1 wherein the image procuring device comprises a motion camera for providing moving images of color, room, building, landscape, product, person, or other element or structure and further comprising a means for enabling a selective manipulation of the location and orientation of the procured image on the display device [col. 4, lns. 5-7, wherein the 'Kodak DC120' is a mobile hand-held digital camera corresponds to "a motion camera for providing moving images of color, room, building, landscape, product, person, or other element or structure and further comprising a means for enabling a selective manipulation of the location and orientation of the procured image"]" supra for claim 1 and [as detailed].

Q. Per dependent claims 24 and 25, these are directed to a system for the system of dependent claims 18, 19 and 23, and therefore are rejected to dependent claims 18, 19 and 23.

R. Fenton discloses claim 26, "The system of claim 1 further comprising a means for providing simulated light sources on the display device to bathe the displayed image in a source of light [col. 7, lns. 33-39, incandescent fixtures, a skylight and/or full-spectrum fluorescent lights]" supra for claim 1 and [as detailed].

S. Fenton discloses claim 27, "The system of claim 26 wherein the means for providing simulated light sources comprises a means for controlling a type of light source to be simulated on the display device [col. 7, lns. 33-39, incandescent fixtures, a skylight and/or full-spectrum fluorescent lights]" supra for claim 26 and [as detailed].

T. Fenton discloses claim 28, "The system of claim 27 wherein the means for providing simulated light sources enables a user to select from light source types from the group consisting of incandescent light, fluorescent light, full spectrum light, and natural sunlight [col. 7, lns. 33-39, incandescent fixtures, a skylight and/or full-spectrum fluorescent lights; col. 3, lns. 16-20, 'bright indirect daylight']" supra for claim 27 and [as detailed].

U. Fenton discloses claim 31, "The system of claim 26 wherein the means for providing simulated light sources comprises a means for controlling a location and orientation of the light source to be simulated on the display device [col. 10, lns. 13-18, wherein 'classification, selection and visualization of other floor, window, and wall coverings and all other products that come in various colors' inherently implies location and placement of windows and light fixtures disclosed supra and therefore corresponds to "means for controlling a location and orientation of the light source"]" supra for claim 26 and [as detailed].

V. Per dependent claims 32-35, these are directed to a system for the system of dependent claims 27-30 and 31, and therefore are rejected to dependent claims 27-30 and 31.

W. Fenton discloses claims 36 and 37 supra for claim 26, wherein 'incandescent fixtures' correspond to "a light fixture" and "a shielded structure".

X. Fenton discloses claim 38, "The system of claim 1 further comprising a portable memory medium for enabling a user to retain and transport procured input images and reference images [col. 4, lns. 13-14, wherein 'an equivalent IBM or compatible personal computer' inherently comprises a floppy disk drive, CD drive, and/or diskette drive which corresponds to "portable memory medium for enabling a user to retain and transport procured input images and reference images"]" supra for claim 1 and [as detailed].

Y. Per independent claims 41 and 57, these are directed to a system and method, respectively, for the system and performing the method, respectively, of independent claim 1 and dependent claims 8 and 13, and therefore are rejected to independent claim 1 and dependent claims 8 and 13.

Z. Per dependent claims 42-44, 46-54, these are directed to a system for the system of dependent claims 20, 21, 20, 13, 14, 15, 18, 19, (19, 23 and 25), (26 and 27), (29, 30 and 31) and 38, respectively, and therefore are rejected to dependent claims 20, 21, 20, 13, 14, 15, 18, 19, (19, 23 and 25), (26 and 27), (29, 30 and 31), and 38 as disclosed supra.

AA. Per dependent claims 58-66 these are directed to performing a method for the system of dependent claims (14 and 15), 20, 21, 20, (24 and 25), (19, 23 and 25), 27, (29, 30 and 31) and 38, respectively, and therefore are rejected to dependent claims (14 and 15), 20, 21, 20, (24 and 25), (19, 23 and 25), 27, (29, 30 and 31) and 38, as disclosed supra.

13. Claims 10-12 and 45 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Fenton et al., (US 6,343,264 B1), hereinafter Fenton.

A. Fenton discloses claim 10, "The system of claim 8 wherein the reference images include structural elements, auto parts, makeup, body elements, hairstyles, flooring, ceiling elements, wardrobe elements, and jewelry elements [col. 1, ln. 63 – col. 2, ln. 10; col. 6, ln. 30 – col. 7, ln. 21]" supra for claim 8 and [as detailed].

In as much as Fenton may or may not specifically state "auto parts, makeup, body elements, hairstyles, wardrobe elements, and jewelry elements", Fenton does disclose 'The color selection process of the present invention broadly includes: (a) the creation of a digital and graphic computer database that classifies a store's or other entity's entire product inventory according to internally harmonious color families, and (b) a visualization experience' wherein 'other entity's entire product line' broadly implies auto part stores, cosmetic stores, salons, clothing stores, and jewelry stores and therefore claim 10 is broadly disclosed by Fenton.

B. Fenton discloses claim 11, "The system of claim 10 wherein the reference images include decorative elements" supra for claim 10, wherein jewelry constitutes decorative elements.

C. Fenton discloses claim 12, "The system of claim 11 wherein the decorative elements include furniture, shrubbery, wallpaper, rugs, curtains, blinds, window shades, and trim [col. 7, lns. 35-54; col. 6, ln. 30 – col. 7, ln. 21]" supra for claim 11 and [as detailed].

In as much as Fenton may or may not specifically state "shrubbery, wallpaper, rugs, curtains, blinds, window shades, and trim", Fenton does disclose 'The color selection process of the present invention broadly includes: (a) the creation of a digital and graphic computer

database that classifies a store's or other entity's entire product inventory according to internally harmonious color families, and (b) a visualization experience' wherein 'other entity's entire product line' broadly implies shrubbery, wallpaper, rugs, curtains, blinds, window shades, and trim stores, and therefore claim 12 is broadly disclosed by Fenton.

D. Per dependent claim 45, this is directed to a system for the system of dependent claims (9, 10 and 11) and therefore are rejected to dependent claims (9, 10 and 11) as disclosed supra.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheffer (US 6,901,164 B2) as applied to claim 2 above, and further in view of Lippincott (US 6,459,825 B1).

A. Sheffer discloses claim 3, "The system of claim 2 wherein the image procuring device comprises a still camera for providing still images of a color, room, building, landscape, product, person, or other structure" supra for claim 2.

However, Sheffer does not appear to disclose "wherein the image procuring device comprises a still camera for providing still images of a color, room, building, landscape, product, person, or other structure", but Lippincott does [in col. 5, ln. 49 – col. 7, ln. 6].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital camera disclosed by Sheffer in combination with high

resolution CCD or camera disclosed by Lippincott, and motivated to combine the teachings because it would 'provide a fully artificially intelligent color image scanner, that can be used by typical users, and still obtain the imaging industry's highest quality photo image capture. e) To provide a photo image scanner where the maximum optical analog film quality is maintained or even enhanced by image scanning, not degraded or made to extenuate film noise artifacts' as revealed by Lippincott in col. 4, lns 24-31.

16. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheffer (US 6,901,164 B2) as applied to claim 2 above, and further in view of Duluk, Jr. (US 5,977,987), hereinafter Duluk.

A. Sheffer discloses claim 5, "The system of claim 4 wherein the motion camera comprises a means for providing moving images in three-dimensions" supra for claim 4.

However, Sheffer does not appear to disclose "wherein the motion camera comprises a means for providing moving images in three-dimensions", but Duluk does [in col. 1, lns. 35-58; wherein contents of 'frame buffer' constitute "moving images"].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital camera disclosed by Sheffer in combination with 3D computer graphics disclosed by Duluk, and motivated to combine the teachings because it would allow 'a user to change his viewpoint or change the geometry in real-time, thereby requiring the rendering system to create new images on-the-fly in real-time' as revealed by Duluk in col. 1, lns. 29-34.

B. Sheffer discloses claim 6, "The system of claim 5 further comprising a means for providing moving images in virtual reality" supra for claim 5.

However, Sheffer does not appear to disclose "further comprising a means for providing moving images in virtual reality", but Duluk does [in col. 7, ln. 60 – col. 8, ln. 2; wherein 'virtual reality image generators' constitute "moving images in virtual reality"].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital camera disclosed by Sheffer in combination with 3D computer graphics and virtual reality disclosed by Duluk, and motivated to combine the teachings because it would allow 'a user to change his viewpoint or change the geometry in real-time, thereby requiring the rendering system to create new images on-the-fly in real-time' as revealed by Duluk in col. 1, lns. 29-34.

17. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheffer (US 6,901,164 B2) as applied to claim 2 above, and further in view of Yamamoto et al., (US 5,021,705), hereinafter Yamamoto.

A. Sheffer discloses claim 7, "The system of claim 1 wherein the display device comprises an ultra-high definition display screen" supra for claim 1.

However, Sheffer does not appear to disclose, "wherein the display device comprises an ultra-high definition display screen", but Yamamoto does [in col. 13, lns. 18-26; wherein 'ultra-high sensitive High-Definition TV image' constitute "ultra-high Definition display screen"].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital camera disclosed by Sheffer in combination with ultra-high sensitive High-Definition disclosed by Yamamoto, and motivated to combine the teachings because it would allow 'to produce a satisfactory image quality stably without deterioration of

the characteristics including the lag even when the target voltage is increased' as revealed by Yamamoto in col. 3, ln. 67 – col. 4, ln. 2.

18. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheffer (US 6,901,164 B2) as applied to claim 2 above, and further in view of Roustaei, (US 2002/0050518 A1), hereinafter Roustaei.

A. Sheffer discloses claims 29 and 30, "The system of claim 2 wherein the means for providing simulated light sources further enables a user to select a mixed light display situation" and "The system of claim 29 wherein the means for providing simulated light sources further enables a user to adjust the relative intensity of displayed light sources" supra for claim 2.

However, Sheffer does not appear to disclose "wherein the means for providing simulated light sources further enables a user to select a mixed light display situation" and "The system of claim 29 wherein the means for providing simulated light sources further enables a user to adjust the relative intensity of displayed light sources", but Roustaei does [in para. 0248, see 'Color modification can also adjust to variable-lightning conditions; daylight, incandescent illumination, and fluorescent illumination all have different spectral frequency patterns. Processing can also increase the saturation, or intensity, of portions of the color spectrum, modifying the strictly accurate reproduction of a scene to match what humans "like" to see.' and 'Similar approach is currently used during the setup, in industrial applications, in which, the imager 100 will not use the first few frames (because during that time the imager 100 calibrates itself for the best possible results depending on user's settings), after the trigger is activated (or simulated).].

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital camera disclosed by Sheffer in combination with Color modification can also adjust to variable-lightning conditions and simulations disclosed by Roustaei, and motivated to combine the teachings because it would allow 'These and other parameters can be controlled by selection of, and adjustments to, the optical system's components, including the lens system, the wavelength of illuminating light, the optical and electronic filtering, and the detector sensitivity' as revealed by Roustaei in para. [0008].

19. Claims 39, 55 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheffer (US 6,901,164 B2) as applied to claim 2 above, and further in view of Saghir, (US 6,574,616 B1).

A. Sheffer discloses claim 39, "The system of claim 1 further comprising a means for sequentially displaying a plurality of display images and for allowing a user to select preferred display images from the plurality of display images for continued or repeated display" supra for claim 1.

However, Sheffer does not appear to disclose "further comprising a means for sequentially displaying a plurality of display images and for allowing a user to select preferred display images from the plurality of display images for continued or repeated display", but Saghir does in col. 7, lns. 26-47, wherein 'displays random sample images from a collection. The user chooses one or more images from this sample that contain desirable attributes' and 'the process repeats' corresponds to "means for sequentially displaying a plurality of display images and for allowing a user to select preferred display images from the plurality of display images for continued or repeated display".

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital camera disclosed by Sheffer in combination with display random sample, user select, and repeat disclosed by Saghir, and motivated to combine the teachings because it 'is efficient and allows users to quickly find desired images, which is accurate in returning images likely to be desirable to the user, which does not require the user to verbalize desirable image attributes, which does not require the user to preconceive a mental image of what is desired before the search, which does not require the user to enter a search query, and which is adaptable in that the system readily and automatically adjusts search criteria during the search to reflect a user's desires.' as revealed by Saghir in col. 3, lns. 1-11.

B. Per dependent claims 55 and 67, these are directed to a system and method, respectively, for the system of dependent claim 39 and therefore are rejected to dependent claim 39 as disclosed supra.

20. Claims 40, 56 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheffer (US 6,901,164 B2) as applied to claim 2 above, further in view of Saghir, (US 6,574,616 B1), and further in view of d'Entremont et al., (US 4,536,848), hereinafter d'Entremont.

A. Sheffer and Saghir disclose claim 40, "The system of claim 39 wherein the means for sequentially displaying a plurality of display images displays each display image for a predetermined amount of display time through a first display round and then for progressively increased amounts of display time through succeeding rounds" supra for claim 39.

However, Sheffer and Saghir do not appear to disclose "wherein the means for sequentially displaying a plurality of display images displays each display image for a predetermined amount of display time through a first display round and then for progressively

increased amounts of display time through succeeding rounds", but d'Entremont does in col. 10, lns. 10-34, wherein 'groups into either progressive increasing or decreasing time sequence' corresponds to "means for sequentially displaying a plurality of display images displays each display image for a predetermined amount of display time through a first display round and then for progressively increased amounts of display time through succeeding rounds".

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply digital camera disclosed by Sheffer in combination with display random sample, user select, and repeat disclosed by Saghir and coupled with 'groups into either progressive increasing or decreasing time sequence' as disclosed by d'Entremont, and motivated to combine the teachings because it 'is efficient and allows users to quickly find desired images, which is accurate in returning images likely to be desirable to the user, which does not require the user to verbalize desirable image attributes, which does not require the user to preconceive a mental image of what is desired before the search, which does not require the user to enter a search query, and which is adaptable in that the system readily and automatically adjusts search criteria during the search to reflect a user's desires.' as revealed by Saghir in col. 3, lns. 1-11, and since 'it is a primary object of this invention to provide a method and apparatus utilizing a small computer and a limited computer memory for developing computer graphic color images on a photosensitive material' as revealed by d'Entremont in col. 1, lns. 33-37.

B. Per dependent claims 56 and 68, these are directed to a system and method, respectively, for the system of dependent claim 40 and therefore are rejected to dependent claim 40 as disclosed supra.

Responses

21. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Inquiries

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory F. Cunningham whose telephone number is (571) 272-7784.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272-7778. The Central FAX Number for the organization where this application or proceeding is assigned is **571-273-8300**.

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G.F. Cunningham

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12/5/2005

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